

### **REMARKS**

Claims 1-22 are pending in the present application. Claims 1-21 have been amended. Claim 22 is new. Claims 1, 21, and 22 are independent claims. The Examiner is respectfully requested to reconsider the outstanding rejections in view of the above amendments and the following remarks.

#### ***Rejection Under 35 U.S.C. § 102***

Claim 21 stands rejected under 35 USC § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0236507 to Maruyama et al. (hereafter "Maruyama"). This rejection, insofar as it pertains to the presently pending claim, is respectfully traversed.

It is respectfully submitted that claim 21 is not anticipated by the prior art cited by the Examiner. MPEP § 2131 sets forth the following:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. Of California*, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claims." *Richardson v. Suzuki Motor Co.*, 868 F2d 1226, 1236, 9 USQP2d 1913, 1920 (Fed. Cir. 1989).

It is respectfully submitted that Maruyama does not set forth each and every element as defined in the claims.

For example, as amended, claim 21 now recites,

"when the user selects the mode for displaying the map three-dimensionally...the image data retrieved by the facility identifying means is processed to provide a *three-dimensional perspective view of the identified facilities* from a viewing direction corresponding to a current position of the facility display apparatus" (emphasis added).

Applicants respectfully submit that Maruyama fails to provide any express or implicit teaching of displaying an image of facilities on a map based on image data providing a three-

dimensional perspective view of the facilities. In fact, the only express teachings in Maruyama of displaying facilities on a map are to display them as *two-dimensional* symbols or labels. Accordingly, Maruyama fails to teach or suggest each and every claimed feature.

At least for the reasons set forth above, Applicants respectfully submit that claim 21 is allowable over Maruyama. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

***Rejection Under 35 U.S.C. § 103***

**Obradovich/Millington Rejection:**

Claims 1-11, 16, 17, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0163251 to Obradovich et al. (hereafter "Obradovich") in view of U.S. Patent No. 6,611,753 to Millington (hereafter "Millington"). This rejection is respectfully traversed.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Furthermore, the Examiner is respectfully referred to MPEP § 706.02(j), which lists the elements to be expressly set forth in the Office Action for a § 103 rejection:

"After indicating that the rejection is under 35 U.S.C. 103, the examiner should set forth in the Office action:

(A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,

(B) the difference or differences in the claim over the applied reference(s),

(C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and

(D) an explanation >as to< why >the claimed invention would have been obvious to< one of ordinary skill in the art at the time the invention was made[.]”

The same section of the MPEP also states that, “It is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply.”

Applicant respectfully submits that the current rejection is deficient with respect to the elements set forth above. For instance, prior to the above amendments, independent claim 1 recited,

“setting means for setting a display mode of facilities by a user from a plurality of display modes, the selectable display modes including a mode for displaying facilities as a moving picture and a mode for displaying facilities as a still picture.”

However, the Examiner has failed to make any reference to this claimed setting means. Thus, the Examiner has failed to point out the teachings either in Obradovich or Millington which are relied upon to teach or suggest this feature.

Applicants respectfully submit that Obradovich and Millington, taken separately or in combination, fail to teach or suggest the claimed setting means. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 1.

However, in an effort even further distinguish over Obradovich and Millington and thus expedite prosecution, Applicant has amended claim 1 to recite the following:

“facility identifying means for identifying facilities *at a point of interest selected by the user from a plurality of selectable points of interest*, the facilities being identified to be displayed; [...]

wherein:

when the user selects the mode for displaying facilities as a moving picture, [...] the three-dimensional image [is] automatically *rotated the same amount regardless of which facilities are identified by the facility identifying means*, and

*the identified facilities have a fixed location at the selected point of interest*" (emphasis added)

In the rejection, the Examiner cites Obradovich's teachings in Fig. 11 and paragraph 94 regarding displaying the user's current location and a third party location. Presumably, the Examiner is interpreting the claimed "facilities" to read on the third party location in Obradovich and, thus, interpreting Obradovich's invention to "display[] facilities as a moving picture" by sequentially updating the third party location. Even assuming *arguendo* that such an interpretation is proper, there is no teaching or suggestion in Obradovich of identifying the third party location based on a *point of interest selected by a user*. Further, Obradovich's third party location cannot be interpreted as facilities having a *fixed location*, since the whole reason that the third party location is being tracked is that the third party is moving.

As such, Obradovich's third party location cannot be interpreted as the claimed "facilities." Since the Examiner's line of reasoning in rejecting claim 1 relies on such an interpretation, this rejection has been obviated.

Furthermore, the Examiner acknowledges that Obradovich fails to teach or suggest displaying a moving picture automatically rotating a three-dimensional image, relying on Millington to teach this feature.

However, Millington's invention is expressly for displaying a perspective view of the next intersection to be maneuvered such the intersection is displayed at an angle relative to "earth" which is *increased based on the complexity of the intersection* (see col. 1, lines 31-39; col. 3, lines 47-59). Thus, Millington teaches that more complex intersections will be rotated by a larger amount than less complex ones. Conversely, amended claim 1 recites that the moving picture automatically rotates the three-dimensional image of the facilities *the same amount regardless of which facilities are identified*. Accordingly, neither Obradovich nor Millington teaches or suggests displaying the moving picture as presently claimed.

At least for the reasons set forth above, Applicants respectfully submit that independent claim 1 is allowable over Obradovich and Millington. Accordingly, claims 2-11, 16, 17, and 20 are allowable at least by virtue of their dependency on claim 1. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

**Other Rejections:**

Claims 12-14 stand rejected under § 103(a) as being unpatentable over Obradovich and Millington, and further in view of U.S. Patent Application Publication No. 2004/0204849 to Shipley (hereafter "Shipley"). Further, claim 15 stands rejected under § 103(a) as being unpatentable over Obradovich and Millington, and further in view of U.S. Patent No. 6,977,630 to Donath et al. (hereafter "Donath"). Further, claims 18 and 19 stand rejected under § 103(a) as being unpatentable over Obradovich and Millington, and further in view of Maruyama.

Applicant respectfully submits that none of Shipley, Donath, and Maruyama remedies the deficiencies of Obradovich and Millington set forth above in connection with independent claim 1. Particularly, Shipley is relied upon merely for its alleged teachings regarding scaling and coloring of output map data (see Office Action at page 6, last 4 paragraphs). Donath is merely relied upon for alleged teachings regarding the flashing or blinking of targets near the user vehicle (see Office Action at page 7, first 2 paragraphs). Further, Maruyama is being relied upon merely for alleged teachings regarding voice recognition and route guidance (see Office Action at page 7, paragraphs 4-6).

Since none of Shipley, Donath, and Maruyama remedies the deficiencies of Obradovich/Millington, claims 12-15, 18, and 19 are allowable at least by virtue of their dependency on claim 1. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

*New Claim*

Independent claim 22 is newly added in the present application. Applicant respectfully submits that the filing of this new claim does not add new matter to the present application. Further, it is respectfully submitted that claim 22 is allowable over the above-cited references at least for the reasons set forth above in connection with independent claim 1.

*Conclusion*


In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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